

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE ABI JAOUDI AND AZAR	:	CIVIL ACTION
TRADING CORP.,	:	
	:	
Plaintiff,	:	
	:	NO. 91-6785-PSD
V.	:	
	:	
CIGNA WORLDWIDE INS. CO., et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this _____ day of _____, 2013, upon consideration of Non-Party Respondent Martin S. Kenney's Motion to Dismiss and for Protective Orders, the responses filed thereto and replies filed in support thereof, it is hereby ORDERED that said Motion is GRANTED as follows:

1. This action is dismissed in its entirety. To the extent CIGNA desires discovery from Kenney, it should follow the proper procedures for seeking discovery in a location where jurisdiction over Kenney is proper.
2. CIGNA shall not provide to ACE any documents or other discovery produced by respondents and designated confidential material; shall not use any such materials for the pursuit of claims outside of this action; and shall demand that ACE return any such confidential material previously provided.
3. CIGNA shall take no further steps to seek the disclosure of documents over which Kenney claims a privilege or protection.

JUDGE PAUL S. DIAMOND

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE ABI JAOUDI AND AZAR	:	CIVIL ACTION
TRADING CORP.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	NO. 91-6785-PSD
CIGNA WORLDWIDE INS. CO., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

**NON-PARTY RESPONDENT MARTIN S. KENNEY'S
MOTION TO DISMISS AND FOR PROTECTIVE ORDERS**

Pursuant to the Federal Rules of Civil Procedure and for the reasons stated in his accompanying Memorandum In Support of Motion to Dismiss and for Protective Orders, Non-Party Respondent Martin S. Kenney ("Kenney") hereby moves this Court for an Order as follows:

1. Deciding the issues of jurisdiction and other grounds for dismissal of this proceeding previously asserted by Kenney and other non-party respondents; and dismissing this proceeding on all the grounds previously asserted.
2. Postponing any further discovery until all jurisdictional and other issues are decided, and requiring CIGNA, to the extent it desires discovery while the jurisdictional issues are pending, to follow the proper procedures for seeking discovery in the relevant country (as to Kenney, the British Virgin Islands).
3. Preventing CIGNA from providing to ACE any documents or other discovery produced by respondents and designated confidential material; prohibiting the

use of any such materials for the pursuit of claims outside of this action; and directing CIGNA to demand that ACE return any such confidential material previously provided.

4. Preventing the production of documents over which Kenney claims a privilege or protection.

Kenney respectfully requests oral argument.

Dated: March 18, 2013

Respectfully submitted,

/s/Robert C. Clothier

Robert C. Clothier (Attorney ID #57162)
Rochelle D. Laws (Attorney ID #206381)
FOX ROTHSCHILD LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103
(215) 299-2000 (Phone)
(215) 299-2150 (Fax)

and

Gary M. Miller (admitted *pro hac vice*)
Donald A. Vogelsang (admitted *pro hac vice*)
Matthew C. Wolfe (admitted *pro hac vice*)
GRIPPO & ELDEN LLC
111 S. Wacker Drive, Suite 5100
Chicago, IL 60606
(312) 704-7700 (Phone)
(312) 558-1195 (Fax)

Attorneys for Non-Party Respondent,
MARTIN S. KENNEY